



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

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July 19, 2004

**WIA GUIDANCE LETTER #10-02- CHANGE 1**

**THIS WIA GUIDANCE LETTER SUPERSEDES WIA GUIDANCE LETTER #10-02  
Dated July 2, 2002**

**SUBJECT: Clarification of Definitions and Documentation Related to WIA Title IB  
Eligibility and Participation: Family, Citizenship/Right to Work, Self-Certification, Self-  
Sufficiency, and Pell Grants**

**REFERENCE:** P.L. 105-220, §101(15)(A)(B)(C), §188(a)(5), §134(d)(4)(B), and §188(a)(5) of the Workforce Investment Act (WIA) of 1998; 20 CFR Part 652 et al., §663.220, 663.230, and 663.320 of WIA Final Rules dated August 11, 2000; VOS Bulletin #03-04, Attachment A - VOS File Eligibility & Verification Checklist, dated March 9, 2004; U.S. Department of Justice Form I-9, revision dated November 21, 1991; State of Arizona Motor Vehicle Division Form No. 96-0155 R12/03.

**BACKGROUND:** A number of recent inquiries from local area staff prompted the need for clarification of the following:

**DEFINITIONS/DOCUMENTATION RELATED TO WIA ELIGIBILITY**

**FAMILY**

Under WIA, the term "family" relates to two or more persons living in the same household who are related through blood, marriage, or court decree and are included in at least one of groups A through C below. The **state** further defines family as delineated in group D below. Family, as defined in groups A through D, must be used in determining financial eligibility *where appropriate* for the three WIA funding streams (Adults, Youth, and Dislocated Workers).

- A. Husband, wife, and their dependent children
- B. A parent or guardian and his/her dependent children
- C. Husband and wife
- D. An economic unit of one or more persons who receive at least 50% of their financial support from the economic unit

## **CITIZENSHIP/RIGHT TO WORK**

Participation in WIA Title IB programs or activities must be available to United States citizens, lawfully admitted permanent resident aliens, refugees, asylees, parolees, and other immigrants *authorized to work in the U.S.* There are numerous discrete documents which LWIAs can accept as verification of citizenship and right to work in the U.S. These documents are listed in Attachment A of this memo, which represents the VOS File Eligibility & Verification Checklist sent with VOS Bulletin #03-04. Attachment B of this memo is the **Arizona Motor Vehicle Division's (MVD) Identification Requirements** form No. 96-0155 R12/01. This form, which lists the documents that must be provided to the MVD before an Arizona driver's license is issued, provides justification for accepting a valid Arizona Driver's License as one source of proof of U.S. citizenship/right to work in the U.S. It can also be found online at <http://www.dot.state.az.us/mvd/formsandpub/viewPDF.asp?lngProductKey=1410&lngFormInfoKey=1410>

## **SELF-CERTIFICATION**

At times and for a variety of reasons, some WIA applicants are unable to provide all of the necessary documents requested of them to complete the process for program eligibility. In these instances, the state does permit Self-Certification or Self-Attestation as an alternative means of verifying a *limited number* of factors related to applicant status. Attachment A - VOS File Eligibility & Verification Checklist sent with VOS Bulletin #03-04 delineates those factors for which Self-Certification is permitted. Attachment C - Self-Certification Instructions and form that LWIAs may use in conjunction with Attachment A is also attached.

## **SELF-SUFFICIENCY**

The use of the term “self-sufficiency” *only applies in the context of establishing eligibility for employed adults and employed dislocated workers to receive intensive and training services under WIA, when local area funds are limited.* Self-sufficiency is **not** to be viewed as an outcome measure associated with successful program performance.

The provision of intensive and training services to employed adults and employed dislocated workers is designed to help ensure that these services are provided to workers most in need of them. Under WIA, 100% of the Lower Living Standard Income Level (LLSIL) [annualized level based on family size, as well as metro and non-metro differences] represents a minimum measure of self-sufficiency that each LWIA must use to determine intensive and training service eligibility for employed adults and employed dislocated workers. Local boards may adjust the self-sufficiency level upward from 100% of the LLSIL based on local conditions. Local boards may also opt to define self-sufficiency for employed dislocated workers in relation to a percentage of the lay-off wage.

## **COORDINATION OF PELL GRANTS WITH OTHER EDUCATION-RELATED ASSISTANCE**

It is important that Local Workforce Investment Areas (LWIAs) leverage available funds for training, including Pell Grants and WIA Individual Training Accounts (ITAs), to ensure that the costs of training and support services are fully paid for WIA participants, and to reduce the likelihood of duplicate payments for such services. To date, the U.S. Department of Labor has

not issued additional guidance regarding the *order of payments* for training costs for individuals eligible for both WIA and other educational assistance. However, the WIA Final Rule does emphasize that local area programs should assist each participant in establishing Pell Grant eligibility before a participant enrolls in a particular school or training program. A WIA participant may be enrolled into training with WIA funds while a Pell Grant application is pending. However, the LWIA must put a process in place so that the LWIA can be reimbursed by a training institution for the "tuition" portion of the Pell Grant funds. Generally, Pell Grants provide both tuition and other types of assistance (e.g. living expenses, lab fees, books, etc.). **Only the portion of the Pell Grant that provides for tuition is subject to reimbursement.**

The Free Application for Federal Student Aid (FAFSA), which is used to establish Pell Grant eligibility, is readily available on-line at <http://www.fafsa.ed.gov>. When a WIA participant completes the FAFSA on-line, it can be electronically submitted immediately to the U.S. Department of Education (DOE) for processing. Generally, the DOE makes a determination of Pell eligibility and notifies an applicant within 30 days of FAFSA submittal.

**ACTION REQUIRED:** (1) Use Attachment A - VOS File Eligibility & Verification Checklist to determine the discrete documents which LWIAs can accept as verification of citizenship and right to work in the U.S. (2) Use Attachment B (Arizona MVD Form #96-0155 R12/01) which provides justification for accepting a valid Arizona Driver's License as one source of proof of U.S. citizenship/right to work in the U.S. (3) Use Attachment A and the Self-Certification Instructions for completing the Self-Certification form for those items where self-certification or self-attestation are permitted as verification for WIA eligibility. (4) **DISTRIBUTE** this memo and its attachments to all individuals responsible for WIA eligibility and case management, as well as others who use the Arizona VOS WIA Business Rules and Policies Manual.

If you need additional information, please contact Ms. Pat Gregan, Planning and Program Development Manager, at (602) 542-2490.

Sincerely,



Lela R. Alston  
WIA Section Manager

Enclosures